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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,016	06/06/2001	Motohiro Suzuki	017661-0177	6768

22428 7590 06/24/2004

FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
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CHEUNG, MARY DA ZHI WANG

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/874,016

Applicant(s)

SUZUKI, MOTOHIRO

Examiner

Mary Cheung

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of the Claims***

1. This action is in response to the preliminary amendment filed on June 6, 2001.  
Claims 1-25 are pending. Claims 6-9 have been amended. Claims 10-25 have been added.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In lines 10-12 of claim 1 recites "at least one service broker residing on each communication device being a component of the communication network". It is not clear what "each communication device" refers to. According to the content of the specification and figure 2, the service broker resides only on one communication device of the communication network, which is the on-demand service expanding equipment.

In lines 12-13 of claim 1 recites "at least one broker controller residing on each computer". It is not clear what "each computer" refers to. According to the content of the specification and figure 2, the broker controller resides only on the on-demand service expanding equipment.

In lines 21-22 of claim 1 recites "connect the same with said server". It is not clear what "the same" refers to.

Claim 1 recites the limitation "the former control means" in line 23. There is insufficient antecedent basis for this limitation in the claim.

In lines 20-21 of claim 2 recites "the front-end to said broker controller". It is not clear which "front-end" and which "broker controller" refer to.

Claims 3-25 are rejected for incorporating the errors of their respective base claims by dependency.

In lines 3-4 of claim 3 recites "use the same does not reside on a communication device". It is not clear what "the same" refers to.

As to claims 8 and 12-18, the preamble of the claims indicate they are method claims; however, in the body of the claims they are referenced to be depended on the system claims 2-7 and 10-11, respectively. It is indefinite what subject matter (the method or the system) the applicant intends to claim.

As to claims 9 and 19-24, the preamble of the claims indicate they are storage medium claims; however, in the body of the claims they are referenced to be depended on the system claims 1-7, respectively. It is indefinite what subject matter (the storage medium or the system) the applicant intends to claim.

As to claim 25, the preamble of the claim indicates the claim is a storage medium claim; however, in the body of the claim it is referenced to be depended on the ambiguous system/method claim 8. It is indefinite what subject matter (the storage medium or the method or the system) the applicant intends to claim.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schneider (U. S. Patent 5,987,464) discloses information delivery system.

Buckle et al. (U. S. Patent 6,049,819) discloses an agent oriented computing environment using developers for constructing agent computing entities according to their own functionality requirements.

Braddy (U. S. Patent 6,141,759) discloses distributing, monitoring and managing information requested on a computer network.

Williamowski et al. (U. S. Patent 6,434,546) discloses transferring attribute values between search queries in an information retrieval system.

Bird et al. (EP 1 043 671 A2) discloses message broker providing service and processing messages.

***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 872-9306      (Official Communications; including After Final  
Communications labeled "BOX AF")

(703) 746-5619      (Draft Communications)

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7<sup>th</sup> Floor Receptionist.

Mary Cheung  
Patent Examiner  
Art Unit 3621  
June 17, 2004

